

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BEATRICE BROWN,

Plaintiff,

vs.

MICHAELS STORES, INC.,

Defendant.

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CIVIL ACTION

FILE NO. _____

**DEFENDANT MICHAELS STORES, INC.'S
ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT FOR DAMAGES**

COMES NOW, Michaels Stores, Inc., Defendant in the above-styled action,
and files its Answer and Affirmative Defenses to Plaintiff's Complaint for
Damages, showing the Court the following:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim against this Defendant upon which
relief can be granted.

SECOND DEFENSE

Service, process, and/or service of process may be improper.

THIRD DEFENSE

Plaintiff's Complaint is barred due to laches.

FOURTH DEFENSE

As a next Defense, this Defendant answers the numbered paragraphs of Plaintiff's Complaint as follows:

VENUE AND JURISDICTION

1.

Defendant denies as pled the allegations contained in Paragraph 1 of Plaintiff's Complaint.

FACTUAL BASIS

2.

Defendant can neither admit nor deny the allegations contained within Paragraph 2 of Plaintiff's Complaint for want of knowledge or information sufficient to form a belief as to the truth thereof, and puts Plaintiff upon strict proof of the same.

3.

Defendant can neither admit nor deny the allegations contained within Paragraph 3 of Plaintiff's Complaint for want of knowledge or information sufficient to form a belief as to the truth thereof, and puts Plaintiff upon strict proof of the same.

4.

Defendant denies the allegations contained in Paragraph 4 of Plaintiff's Complaint.

PREMISES LIABILITY

5.

Defendant can neither admit nor deny the allegations contained within Paragraph 5 of Plaintiff's Complaint for want of knowledge or information sufficient to form a belief as to the truth thereof, and puts Plaintiff upon strict proof of the same.

6.

Defendant denies the allegations contained in Paragraph 6 of Plaintiff's Complaint.

AGENCY AND VICARIOUS LIABILITY

7.

Defendant admits the applicability of the doctrine of *respondeat superior*, but denies any negligence or liability and the remaining allegations of Paragraph 7 of Plaintiff's Complaint.

8.

Defendant admits the applicability of the doctrine of *respondeat superior*, but denies any negligence or liability and the remaining allegations of Paragraph 8 of Plaintiff's Complaint.

9.

Defendant denies the allegations contained in Paragraph 9 of Plaintiff's Complaint.

PAIN AND SUFFERING

10.

Defendant can neither admit nor deny the allegations contained within Paragraph 10 of Plaintiff's Complaint for want of knowledge or information sufficient to form a belief as to the truth thereof, and puts Plaintiff upon strict proof of the same.

11.

Defendant can neither admit nor deny the allegations contained within Paragraph 11 of Plaintiff's Complaint for want of knowledge or information sufficient to form a belief as to the truth thereof, and puts Plaintiff upon strict proof of the same.

12.

Defendant can neither admit nor deny the allegations contained within Paragraph 12 of Plaintiff's Complaint for want of knowledge or information sufficient to form a belief as to the truth thereof, and puts Plaintiff upon strict proof of the same.

13.

Defendant denies the allegations contained in Paragraph 13 of Plaintiff's Complaint.

14.

Defendant can neither admit nor deny the allegations contained within Paragraph 14 of Plaintiff's Complaint for want of knowledge or information sufficient to form a belief as to the truth thereof, and puts Plaintiff upon strict proof of the same.

15.

Defendant can neither admit nor deny the allegations contained within Paragraph 15 of Plaintiff's Complaint for want of knowledge or information sufficient to form a belief as to the truth thereof, and puts Plaintiff upon strict proof of the same.

DAMAGES

16.

Defendant denies the allegations contained in Paragraph 16 of Plaintiff's Complaint.

LOST WAGES

17.

Defendant denies the allegations contained in Paragraph 17 of Plaintiff's Complaint.

18.

Defendant denies the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19.

Defendant denies the allegations contained in Paragraph 19 of Plaintiff's Complaint.

NEGLIGENCE PER SE

20.

Defendant hereby reasserts and incorporates by reference the responses made previously to Paragraphs 1 through 19 of Plaintiff's Complaint, as if those responses were set forth herein by reference.

21.

Defendant denies the allegations contained in Paragraph 21 of Plaintiff's Complaint.

22.

Defendant denies the allegations contained in Paragraph 22 of Plaintiff's Complaint.

23.

Defendant denies that Plaintiff is entitled to the relief requested in the "Wherefore" paragraph of Plaintiff's Complaint.

24.

This Defendant denies any remaining allegations contained in Plaintiff's Complaint not previously responded to.

WHEREFORE, having fully answered, Defendant prays that it be discharged without costs.

A TRIAL BY JURY IS DEMANDED.

This 14th day of December, 2023.

**CRUSER, MITCHELL, NOVITZ,
SANCHEZ, GASTON & ZIMET,
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CERTIFICATE OF COMPLIANCE

Undersigned counsel certify the foregoing document has been prepared with one of the font and point selections (Times New Roman, 14 point) approved by the Court in Local Rule 5.1(C).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the undersigned has this day electronically filed the within and foregoing **DEFENDANT MICHAELS STORES, INC'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT FOR DAMAGES** with the Clerk of Court using the CM/ECF system which will send e-mail notification of such filing to the following attorneys of record:

Malcolm A. Palmore
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Counsel for Plaintiff

This 14th day of December, 2023.

**CRUSER, MITCHELL, NOVITZ,
SANCHEZ, GASTON & ZIMET,
LLP**

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